

November 23, 2010

Cheryl Landgraver
P.O. Box 176
Prior Lake, Minnesota 55025

Dear Ms. Landgraver:

Enclosed is a copy of the fully executed Stipulation & Consent Order approved by the Emergency Medical Services Regulatory Board (EMSRB) on November 18, 2010.

The Board's Stipulation and Order states in part:

1. You voluntarily surrender your EMT-B certification. You will personally deliver or mail the certificate to the EMSRB;
2. You may not petition for reinstatement for a minimum of 12 months. Should you seek recertification in the future, you will need to demonstrate you are capable of performing emergency medical services in a fit and competent manner, have been consistently receiving mental health service, and has had stable mental health for a minimum of 12 uninterrupted months;
3. If your certification has lapsed you will need to meet reregistration requirements.
4. After demonstrating you meet the requirements under number 2 and 3, you petition the EMSRB at any regularly scheduled meeting.

If you have further questions, please contact Rose Olson (651.201.2804) at your convenience.

Sincerely,



Katherine Burke Moore
Executive Director

Cc: Nathan Hart, Assistant Attorney General

Enclosure: Stipulation and Consent Order

**BEFORE THE MINNESOTA
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of
Cheryl Landgraver, EMT-B
Certificate No. 245808

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Cheryl Landgraver, EMT-B ("Respondent"), and the Minnesota Emergency Medical Services Regulatory Board's Complaint Review Panel ("CRP"), agree the above-referenced matter may be resolved by mail without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Emergency Medical Services Regulatory Board ("Board") is authorized pursuant to Minnesota Statutes chapter 144E to certify and regulate emergency medical technicians and to take disciplinary action as appropriate.

2. Respondent holds an Emergency Medical Technician - Basic ("EMT-B") certificate in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

OVERVIEW

3. On December 21, 2009, Respondent was discharged from the Health Professionals Services Program ("HPSP") for failing to sign and return her participation materials and her case was referred to the Board. Upon review of all available information, the CRP determined this matter could be resolved by mail with a Stipulation and Consent Order for Voluntary Surrender of Respondent's EMT-B certificate.

III.

FACTS

3. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On October 12, 2009, the HPSP referred the Respondent to the Board because of a third-party report alleging depression and thoughts to harm others. Due to the nature of Respondent's job, the HPSP referred the report to the Board for action.

b. On October 1, 2009, Board staff requested that the HPSP make contact with the Respondent regarding enrollment until an investigation could be conducted and the CRP could review the results of the investigation.

c. On October 28, 2009, the HPSP sent a letter to Respondent requesting she contact HPSP for an intake interview.

d. On November 2, 2009, the HPSP spoke with Respondent. Respondent declined participation in the HPSP, despite being told this would result in referring the matter to the Board. During an appointment with her therapist later that day, Respondent discussed the call from the HPSP with her therapist who advised her to participate in the HPSP. Respondent called the HPSP to state she would participate.

e. On December 14, 2009, the CRP met to review the investigation report from Board Staff. The CRP declined to take further action at that time based on her participation in the HPSP.

f. On December 21, 2009 Respondent was unsuccessfully discharged from HPSP for failure to return her participation agreement.

IV.

LAWS

4. Respondent acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 144E.28, subdivision 5(4) and (5), and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Voluntary Surrender

5. The Board accepts Respondent's **VOLUNTARY SURRENDER** of her EMT-B certificate. Respondent shall not provide emergency medical services in the state of Minnesota and shall not imply by words or conduct that Respondent is authorized to provide such services in the state of Minnesota.

6. Respondent shall surrender to the Board her EMT-B certificate. Respondent shall personally deliver or mail the certificate to the Minnesota Emergency Medical Services Regulatory Board, c/o Katherine Burke Moore, Executive Director, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414, within 10 days of the date of this Order.

B. Reinstatement

7. Respondent may not petition for reinstatement of her EMT-B certificate for a minimum of 12 months. At the time of Respondent's petition:

a. Respondent shall meet with a Board CRP to provide evidence that she is capable of providing emergency medical services in a fit and competent manner, has been

consistently receiving mental health services, and has had stable mental health for a minimum of 12 uninterrupted months. Respondent shall also provide any additional information relevant to her petition reasonably requested by the CRP.

b. Respondent shall meet all recertification requirements in effect at the time of her petition for reinstatement, including but not limited to, completing the appropriate application, payment of the requisite fees, and completing any necessary continuing education requirements.

8. The Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraph 9 above, take any of the following actions:

- a. Issue an EMT-B certificate to Respondent;
- b. Issue an EMT-B certificate to Respondent with limitations and/or conditions for Respondent's performance of regulated duties; or
- c. Deny Respondent's request for issuance of an EMT-B certificate based upon her failure to meet the burden of proof.

VI.

ADDITIONAL INFORMATION

9. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or rules.

10. Respondent waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Respondent.

11. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

12. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

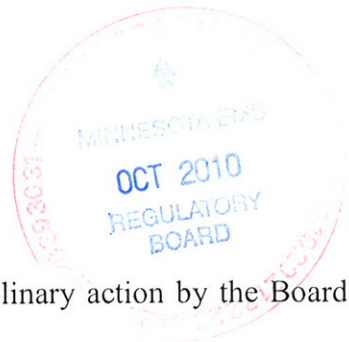
13. Respondent has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Respondent is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

14. Respondent agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

15. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES



16. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

17. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

COMPLAINT REVIEW PANEL

CEL
CHERYL LANDGRAVER, EMT-B
Respondent

Dated: 8-26-, 2010

Dawn Bidwell
DAWN BIDWELL
Board Member

Dated: 10-3-2010 2010

ORDER

Upon consideration of the Stipulation, the Board accepts the **VOLUNTARY SURRENDER** of Respondent's registration certificate, and adopts all of the terms described above on this 23rd day of November, 2010.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD


KATHERINE BURKE MOORE
Executive Director

AG: #2624491-v1